Introduction:

The Primary Entry Point Advisory Committee (PEPAC) is a non-profit corporation composed of representatives of the 33 Emergency Alert System (EAS) Primary Entry Point (PEP) radio stations and the Hawaii Emergency Operations Center.

The Committee was incorporated in 1990 to advise Federal Government agencies on the operation of the PEP portion of the Emergency Alert System. The committee holds annual membership meetings, quarterly Board of Directors' meetings and frequent telephone conferences.

The original purpose of the PEP station network was to back up the primary national-level wired EAS activation system. That system, dismantled in 1995, used a combination of radio and television networks and telephone and other program transmission companies to distribute national-level EAS warnings and tests.

PEPAC exists only because the member stations support the program and allow their employees to attend meetings and work on PEP issues. While the membership of PEPAC was dismayed at the demise of the original wired EAS origination system, PEP stations strove in 1995 to step up to their new role as the sole method of distribution for national-level EAS alerts.

The stations comprising the PEP system were chosen to provide broadcast coverage over much of the United States. The coverage maps used at the time were predicated on nighttime coverage patterns and the assumption that other broadcast stations would not be on the air during a PEP system activation.

Whether or not these assumptions from the 1980's were wise, they substantially defined where the PEP stations were and the coverage they could offer. During most of the subsequent years, federal officials flatly refused to consider enlarging the PEP network to fill in areas where improved coverage is needed. Recently, FEMA has expressed a desire to expand the PEP system to fill these gaps. PEPAC believes this expansion is necessary for the integrity of the EAS.

PEPAC notes that the FCC committed to review each state's EAS plan for compliance, including PEP access. Howwever, no plans failed FCC review, despite the lack of PEP monitoring in many of them.

With 33 PEP stations, it is clear that not every state has a PEP station of its own. However, the original plan for PEP did provide coverage into each state, though sometimes at less than satisfactory signal levels.

As the "Keepers of the Flame" for national-level EAS activation, the members of PEPAC have worked diligently for more than 14 years, in concert with the Federal Emergency Management Agency (now a part of the Department of Homeland Security).

General Comments:

The members of PEPAC believe the EAS system has not been well-served by the division of responsibility for the system between the FCC and FEMA/DHS. Briefly, the history of the PEP system is that FEMA/DHS has provided both the funding and the initiative to establish and operate the system. But the regulatory framework for the EAS rests with FCC, which has not had either the funding or the staff needed to operate PEP.

In view of this history, the members of PEPAC urge the FCC to work closely with FEMA/DHS. In particular, the FCC ought to review existing state EAS plans to identify those which fail to include PEP entry into their networks. In addition, the FCC has not shown leadership in the matter of assigning EAS event codes. Instead, it has largely approved changes made by NOAA. PEPAC believes that, when the FCC approves new EAS event codes, as it did for Amber alerts, that it should require that all EAS equipment should recognize and generate all valid codes within a reasonable period.

Comments by NPRM Section:

I.4:

PEPAC believes the usefulness of the PEP system is greatly enhanced because of the mandatory nature of Presidential event carriage. PEPAC rejects any plan which would weaken that mandate. It is important to recognize the PEP stations have permitted FEMA/DHS direct access and control to pre-empt regular programming for Presidential alerts. PEPAC believes it is reasonable to ask radio and television broadcasters and cable operators to make a commitment on that level to national security. However, PEPAC does not take a position on whether local and state EAS activations need the same level of mandatory carriage. In particular, several PEPAC members believe it is unlikely their stations would be made available to state and local governments on the same expansive basis used with FEMA/DHS. The unique mission of national-level EAS to national security more than justifies this distinction.

PEPAC believes that broadcast professionals are the masters of reaching millions of people quickly, and with accurate information. It is, after all, the daily business of broadcasters to do this, and they have the trained staff and facilities needed to do so. PEPAC also believes availability of trunked systems such as cellular is unlikely to provide the reliable contact to citizens that broadcasters do.

We further believe that this would cause a traffic overload to these systems that would do more harm than good to the public. For example, an overload in the Public Switched Telephone Network would prevent family members from reaching one another. Overload of cellular systems would prevent first-responders from using cellular systems as they were intended. PEPAC believes that the broadcast industry is better-equipped and has the needed skills to deliver accurate and reliable information to the public. Further, broadcasters can do this without further risk to public safety. Experience has repeatedly shown that other technologies, such as the Internet, cellular telephones and the PSTN lack the capacity to deal with the increased use any emergency brings. PEPAC strongly believes that these other systems will be too stressed during a national emergency to reliably deliver emergency messages.

Radio broadcast coverage in the U.S. is ubiquitous – far more reliable than a particular cellular carrier in a particular area could hope to be. PEPAC believes that a point-to-multipoint system such as broadcasting is more suited to EAS message distribution than a point-to-point system is. The utility of cellular networks in an emergency would be sharply reduced by using them to "blast" messages to all subscribers at once – a task for which their systems are ill-suited.

PEPAC believes the FCC should carefully evaluate the likely reliability of the entire system, ending with the citizen, of any notional replacement for the EAS. In particular, PEPAC notes that nearly everyone has access to a portable or vehicle-mounted radio that operates independent of AC power. The likelihood of continued Internet connectivity after an AC power failure is remote. Even if broadband providers use emergency power at every node of their systems – which is by no means the case – most homes served by broadband need AC power to operate modems and routers, without which they are without access. Similarly, while some cable TV systems may be on the air without commercial power, most homes do not have television sets or cable converter boxes that operate without AC power.

II.C.16:

PEPAC rejects the characterization of the PEP system as a "hierarchical, trickle-down system." Contrary to claims by some, the EAS is designed to immediately capture programming on ALL stations. Furthermore, PEPAC believes that the alerting methods used by FEMA/DHS to contact PEP stations is considerably more reliable than competing technologies. In particular, PEPAC rejects the notion that any system that relies on the Internet in any capacity is more robust than the PEP transmission system.

II.C.23:

PEPAC believes that FEMA/DHS is logical agency to control national-level alerting. As an agency, they have the experience and the staff to operate such a system. PEPAC believes national-level alerting is a uniquely-vital service which the government ought to provide. We urge the FCC to be more responsive to the need for regulatory changes to strengthen the system. For example, on the last occasion that the FCC added new EAS event codes, they declined to add one designed to test national-level EAS activation. PEPAC believes that a purely-governmental system is preferable to one where the desire for private revenue could influence how the system is structured and operated. However, PEPAC believes that the FCC must remain as the regulatory arm of EAS, both in defining and in enforcing EAS rules that pertain to broadcasters.

II.C.27:

PEPAC believes that coverage of the PEP system could be substantially enhanced by adding a relatively small number of additional PEP stations, and that this could be done at fairly modest cost.

We believe that a coverage survey could pinpoint areas where additional PEP stations might be helpful. As noted, the original coverage predicted in the 1980's was based on optimistic coverage estimates for each PEP station. If more pessimistic estimates of coverage are used (for example, coverage based on daytime rather than nighttime coverage and in the presence of other station operation), new coverage estimates could be made. It is simply a matter of determining how much PEP coverage is enough, and how much it costs to provide it. PEP stations are equipped with protection devices and with emergency power systems that exceed the requirements of cable systems and of other broadcasters. The improved reliability of the PEP system comes at a small cost. Indeed, the PEP system could be expanded for much less money than it would cost to develop and implement any replacement system.

II.C.28:

PEPAC believes that the FCC should adopt a "NPT"-type EAS event code that could be used for National Periodic Testing. This could propagate through the network, which most other available codes will not, allowing better end-to-end testing of the PEP activation system.

With that in place, PEPAC believes broadcasters and cable systems should be required to update their equipment to recognize and relay all the new codes.

II.D.29:

PEPAC believes that it is reasonable to require radio broadcasters using IBOC to carry EAS events on their IBOC channels as well as their analog channels. As noted above, PEPAC believes the radio-centric nature of the current system is

appropriate. The issues raised by DMA, DTV and DARS in this proceeding highlight the limitations of competing technologies proposed to replace EAS.

II.E.31:

PEPAC regards itself primarily as a "wholesaler" of EAS alerts. That is, the PEP stations form the vital first link from FEMA to a regional PEP station. While the end use of the alert after it is broadcast on the PEP station is beyond our purview, we note that receivers are available which can monitor and unmute automatically for EAS events. Given the superlative access radio has to the home, we believe a unmute-on-EAS function can provide day and night service whether or not people are listening at the time of the event. PEPAC believes that these receivers will be demanded if people wish to have alerting in their homes, and that mandating this type of operation is unnecessary. While the government should make alerts available to anyone, it is reasonable to allow the individual to decide whether or not to include alerting capabilities in his or her own home. PEPAC believes any national alerting system must be available for individuals to "opt-in" or "opt-out" as they choose. To do otherwise infringes the freedom of individuals who might prefer not to be awakened just because some official believes they ought to be. Using "unmute-on-EAS" technology, individuals could specify the types and locations of warnings for which they would like to be alerted.

III.G.43:

As noted above, PEPAC supports the establishment of a National Periodic Test event code to allow end-to-end testing of the propagation of EAS events from FEMA/DHS, through the PEP stations to other broadcasters and cable operators. Since the Required Monthly Test (RMT) event code is already used in many state EAS plans, a separate national testing code should be used. PEPAC believes that testing using NPT should be gradual, beginning only with some PEP stations, then all of them, then with stations that forward PEP messages. Once established, PEPAC believes the two NPT tests each year would be enough, and would not represent an excessive burden to broadcasters or a public nuisance.

III.G.44

PEPAC notes that many broadcasters and cable systems operate without staff during much of the day. As a result, PEPAC believes that tests such as the NPT should be accommodated by operating station EAS equipment in automatic mode without human intervention.